

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID DARRELL SANDERS,

No. C-10-0891 EMC (pr)

Petitioner,

v.

**ORDER REOPENING ACTION,  
LIFTING STAY, AND SETTING  
BRIEFING SCHEDULE**

DERRAL ADAMS, Warden,

Respondent.  

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David Darrell Sanders filed this *pro se* action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent moved to dismiss the amended petition on the ground that state court remedies had not been exhausted for some claims. The Court found that state court remedies had not been exhausted for an ineffective assistance of counsel claim and stayed the proceedings so that Sanders could exhaust state court remedies.


Sanders has filed a motion to reopen the action, in which he states that he chooses to abandon his ineffective assistance of counsel claim and to proceed with consideration of the insufficient evidence claim. In his motion, he unequivocally states that he "move[s] the court to abandon ineffective aide of counsel claim." Docket # 15, p. 1. Respondent has not opposed the motion. Upon due consideration, Sanders' motion to reopen and abandon his ineffective assistance of counsel claim is **GRANTED**. (Docket # 15.) The stay is lifted. The Clerk will reopen this action that had been closed administratively.

In order to move this action toward resolution, the Court now sets the following new briefing schedule on the lone remaining claim, *i.e.*, that Sanders' right to due process was violated because

1 the evidence was insufficient to support the verdict: On or before **June 29, 2012**, Respondent must  
2 file and serve on Petitioner his response. On or before **August 3, 2012**, Petitioner must file and  
3 serve on Respondent's counsel his traverse.

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5 IT IS SO ORDERED.

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7 Dated: May 30, 2012

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9 EDWARD M. CHEN  
United States District Judge